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Surveillance Methods Open to Abuse

If you think Big Brother is watching you, it doesn't necessarily mean you're paranoid. One thing is certain: Federal agencies have the latest, super-sophisticated surveillance equipment—and they're using it.

What bothers civil libertarians is that federal laws regulating surveillance devices and techniques are hopelessly out of date. State-of-the-art technology has not been matched by state-of-the-art legislation.

The result, according to a recent study by the nonpartisan Office of Technology Assessment (OTA), is that millions of Americans are effectively unprotected from abuse of their constitutional rights by overzealous—or merely curious—federal investigators. The study was conducted at the request of Rep. Robert W. Kastenmeier (D-Wis.), who chairs a subcommittee on civil liberties.

The OTA surveyed 142 federal agencies to determine which ones use what surveillance equipment. The Central Intelligence Agency, the National Security Agency and the Defense Intelligence Agency were excluded.

The agencies' detailed responses were not published by the OTA, but Kastenmeier provided our associate Donald Goldberg with the raw responses. They disclose how many kinds of surveillance technologies the various agencies employ—and the answers are scary.

The Federal Bureau of Investigation is using or plans to use 18 of the 19 surveillance techniques the congressional questionnaire asked about. The only snooping devices the G-men don't use are satellite-based visual surveillance systems.

As the federal government's chief investigative agency, the FBI might well have a legitimate need for the 18 technologies. But the bureau was disturbingly secretive when the OTA team asked it to explain the use of each technology.

"Due to the sensitive nature and specific application of the equipment and techniques by the FBI, detailed information regarding the specific technology, application, user, locations etc., cannot be disseminated outside the FBI," it said.

Among its 18 technologies: radio scanners, miniature transmitters, "pen registers" that keep track of numbers dialed on a targeted telephone, night-vision equipment and microwave interception.

The Drug Enforcement Administration uses 11 of the 19 technologies, including a \$2 million computer in El Paso, Tex., to monitor electronic mail and other communications.

The Internal Revenue Service uses nine of the 19 technologies. In 1983-85, the IRS spent almost \$3 million on electronic surveillance equipment.

Kastenmeier and others in Congress acknowledge that sophisticated technologies can mean the difference between making a solid case and letting a criminal walk. What concerns them is that innocent Americans are not now protected from unwarranted intrusion by federal agents.

The legal safeguards for "old-fashioned" means of communication, such as first-class mail, don't exist for electronic mail or wireless telephones. Kastenmeier has introduced legislation that would keep individual protections abreast of government surveillance techniques by requiring court approval for the new technologies' use.